

Introduced by Senator Morrow

December 6, 2004

An act to add Section 66015.8 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Morrow. Public postsecondary education standard: Student Bill of Rights.

Existing law establishes the various segments of the public higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66015.8 is added to the Education Code,
- 2 to read:
- 3 66015.8. (a) (1) The Legislature makes the following
- 4 declarations and findings with respect to public institutions of
- 5 higher education:

1 (A) The Legislature declares that the central purposes of the
2 university are the pursuit of truth, the discovery of new
3 knowledge through scholarship and research, the study and
4 reasoned criticism of intellectual and cultural traditions, the
5 teaching and general development of students to help them
6 become creative individuals and productive citizens of a
7 pluralistic democracy, and the transmission of knowledge and
8 learning to a society at large.

9 (B) The Legislature further declares that free inquiry and free
10 speech within the academic community are indispensable to the
11 achievement of these goals, the freedoms to teach and to learn
12 depend upon the creation of appropriate conditions and
13 opportunities on the campus as a whole as well as in the
14 classrooms and lecture halls, and these purposes reflect the
15 values of pluralism, diversity, opportunity, critical intelligence,
16 openness, and fairness that are the cornerstones of American
17 society.

18 (C) The Legislature finds that academic freedom is most likely
19 to thrive in an environment of intellectual diversity that protects
20 and fosters independence of thought and speech, and that
21 academic freedom protects the intellectual independence of
22 professors, researchers, and students in the pursuit of knowledge
23 and the expression of ideas from interference by legislators or
24 authorities within the institution itself.

25 (D) The Legislature further declares that intellectual
26 independence means the protection of students from the
27 imposition of any orthodoxy of a political, religious, or
28 ideological nature. To achieve the intellectual independence of
29 students, teachers should not take unfair advantage of a student's
30 immaturity by indoctrinating him or her with the teacher's own
31 opinions before a student has had an opportunity fairly to
32 examine other opinions upon the matters in question, and before
33 a student has sufficient knowledge and ripeness of judgment to
34 be entitled to form any definitive opinion of his or her own, and
35 students should be free to take reasoned exception to the data or
36 views offered in any course of study and to reserve judgment
37 about matters of opinion.

38 (b) To secure the intellectual independence of students, and to
39 protect the principles of intellectual diversity, the Regents of the
40 University of California are requested to, and the Trustees of the

1 California State University and the Board of Governors of the
2 California Community Colleges are hereby directed to, develop
3 guidelines and implement the following principles of the Student
4 Bill of Rights:

5 (1) Students shall be graded solely on the basis of their
6 reasoned answers and appropriate knowledge of the subjects and
7 disciplines they study, not on the basis of their political or
8 religious beliefs.

9 (2) Curricula and reading lists in the humanities and social
10 sciences shall respect the uncertainty and unsettled character of
11 all human knowledge in these areas, and provide students with
12 dissenting sources and viewpoints. While teachers are and should
13 be free to pursue their own findings and perspectives in
14 presenting their views, they should consider and make their
15 students aware of other viewpoints. Academic disciplines should
16 welcome a diversity of approaches to unsettled questions

17 (3) Exposing students to the spectrum of significant scholarly
18 viewpoints on the subjects examined in their courses is a major
19 responsibility of faculty. Faculty shall not use their courses or
20 their positions for the purpose of political, ideological, religious,
21 or anti-religious indoctrination.

22 (4) The selection of speakers, allocation of funds for speakers'
23 programs, and other student activities shall observe the principles
24 of academic freedom and promote intellectual pluralism.

25 (5) An environment conducive to the civil exchange of ideas
26 being an essential component of a free university, the obstruction
27 of invited campus speakers, the destruction of campus literature,
28 or any other effort to obstruct this exchange shall not be
29 tolerated.